

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

JOSEPH KEMMERLING,

Petitioner,

v.

No. 1:16-cv-01151-JDB-egb

UNITED STATES OF AMERICA,

Respondent.

ORDER DIRECTING GOVERNMENT TO RESPOND

On June 16, 2016, the Petitioner, Joseph Kemmerling, filed a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 (“Petition”). (Docket Entry (“D.E.”) 1.) On June 30, 2017, Mr. Kemmerling filed an emergency motion requesting an immediate ruling for relief under Section 2255 pursuant to the impact of the recent decision of the Sixth Circuit Court of Appeals in *United States v. Stitt*, 860 F.3d 854 (6th Cir. 2017), on this case. (D.E. 7.) The United States Probation Office subsequently issued a July 27, 2017 memorandum addressing *Stitt*. The Government is DIRECTED, within eleven days of the entry of this order, to respond to the Petition in light of *Stitt*.

IT IS SO ORDERED this 3rd day of October 2017.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE